

Tennessee Department of Environment and Conservation

ASBESTOS Memorandum of Agreement

Purpose

The purpose of this Memorandum of Agreement is to establish Division authority in the oversight of dealing with the disposal of asbestos containing waste material (ACWM) (defined in Division of Air Pollution Control (DAPC) Rule 1200-03-11-.02(1)(e)). In addition to this Memorandum of Agreement, the Division of Solid Waste Management (DSWM) has two divisional policies that address the implementation of ACWM disposal (pn043) and disposal of asbestos not subject to National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification requirements (pn118).

Whereas the Tennessee Department of Environment and Conservation (TDEC), through DSWM is required by Tennessee Code Annotated (T.C.A.) § Section 68-211-101 et. seq., to regulate the construction, operation, and maintenance of solid waste processing and disposal facilities in order to protect the public health, safety and welfare and specifically in respect to the agreement, the air quality of the State of Tennessee through a comprehensive siting and inspection program of approved disposal facilities; and

Whereas the TDEC, DAPC has in the administration of T.C.A. § 68-201-101 et. seq., developed procedures and standards for the protection of the air quality of the State; and

Whereas the TDEC has a public obligation to maintain a coordinated regulatory program of all regulated environmental functions in the State of Tennessee, the standards by which these programs are administered shall be consistent. This agreement shall be the mechanism by which this objective is attained.

Therefore, be it resolved that both divisions mutually understand, agree and approve that the DSWM is recognized as the agency having authority for the regulation of landfills in such a manner as to preclude the pollution of the air in the State of Tennessee through the administration of the activities enumerated herein.

Asbestos Containing Waste Material

ACWM includes all asbestos containing and/or contaminated material that requires the submittal of an "Asbestos Waste Shipment Record" form (state form CN-1054)¹ and/or the submittal of the "Notification of Demolition and/or Asbestos Renovation" form (state form CN-1055)¹. As defined in DAPC Rule 1200-03-11-.02(1)(e), ACWM:

"means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this rule. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing."

Site Selection

Class I and II landfills may dispose of ACWM provided the landfill has received approval from DSWM and complies with all conditions of the approval.

Technical Review

1. When requested or otherwise necessary, the DAPC will determine if an asbestos material is subject to Asbestos NESHAP notification requirements, satisfied by the submittal of the "Notification of Demolition and/or Asbestos Renovation" form (state form CN-1055)¹, and whether such material must be disposed of following the "Procedures for Disposal of ACWM". Such determination will be provided to the DSWM by email or memo.
2. DSWM will utilize DAPC established management practices and adhere to DAPC Rule 1200-03-11-.02(5), "Standard for active waste disposal sites" for the disposal of ACWM at landfills approved by DSWM.
3. DSWM will require that the landfill design utilizes all applicable best management practices (BMP's) for emission control of special air contaminant wastes to minimize the potential for degradation of air quality.

Best Management Practices

The operator of any landfill that accepts ACWM shall:

- Use phased site development (minimum specific area);
- operate in a timely manner that employs correct handling procedures, including cover;
- perform soil characterization, geologic structure for minimum potential of movement and surface water control;
- create no visible emissions; and
- complete all required logs.

Inspections and Enforcement

1. DSWM will establish site specific requirements for compliance at landfills. The compliance shall reflect BMP's and site specific handling procedures as necessitated by landfill specific special waste approvals.
2. A representative of the DAPC will be able to observe the disposal of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit. It is the responsibility of the DAPC to make visible emission evaluations and since the DAPC representative is trained in the procedures to make such evaluations, the DAPC in cooperation with DSWM will provide this technical support as a means to achieve mutual compliance with the regulations of both divisions. Any enforcement activity that occurs as a result of a violation of the visible emissions regulation will be jointly undertaken with the DAPC representative who conducted the visible emission evaluation.

3. DSWM will note procedures employed during unloading to ensure that signs bearing the correct warning language as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4 are affixed to the vehicle while at the disposal site.

Preliminary Steps for Landfills

1. The landfill seeking approval for ACWM disposal must establish contact with the appropriate DSWM Field Office representatives.
2. The site selection for ACWM disposal at a landfill seeking approval must be registered and approved in writing by the DSWM, prior to disposal of the material. All appropriate agencies and individuals will be presented with this information.
3. Permission from the official responsible for the approved facility must be obtained in writing prior to the disposal of the material. All appropriate agencies and individuals will be presented with this information.

Procedures for Disposal of ACWM

1. The waste generator must provide ten (10) working days' advance notice to the DAPC to allow field personnel to observe the removal procedures at the originating site. This must be accomplished by submitting a "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)¹.
2. The containers for the ACWM must be leak-tight containers and approved by the DAPC.
3. The ACWM should be transported in an enclosed vehicle or on a covered carrier as described in T.C.A. § 39-14-503. The "Asbestos Waste Shipment Record" (form CN-1054)¹ will be completed and be available for inspection upon request, retained for a period of two (2) years.
4. Advance notice must be given by the waste transporter to the landfill operator prior to receiving the ACWM, or a routine schedule established such that the operator will have time to prepare an area to receive the ACWM. The only required document the DAPC will need to meet its regulatory requirements is the "Asbestos Waste Shipment Record" (form CN-1054)¹ and proof that the records are returned to the waste generator for disposal tracking purposes. Copies of the ten (10) day notice to DAPC are not necessary but can be referenced in a letter to the disposal site. The DAPC will track all "Notification of Demolition and/or Asbestos Renovation" (state form CN-1055)¹ forms received and update, copy or advise DSWM of status on request. When the "Asbestos Waste Shipment Record" (state form CN-1054)¹ is not received by the waste generator confirming disposal, the DAPC will, upon receipt of such notice, contact the DSWM to request their cooperation in tracking the shipment and provide investigatory support off site if needed.
5. Vehicles transporting ACWM shall bear signs during loading and unloading as specified by DAPC Rules 1200-03-11-.02(2)(j)3 and 1200-03-11-.02(2)(k)4, stating:

DANGER
ASBESTOS DUST HAZARD
CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only

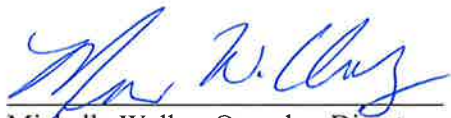
6. For a landfill seeking initial approval, the appropriate DSWM and DAPC representatives will observe the initial disposal to ensure proper handling and disposal procedures are followed. A representative of the DAPC will be able to observe subsequent disposals of ACWM at any time such material is to be transported to and disposed of at the designated landfill accepting the ACWM. DAPC observations are to be scheduled between the visiting DAPC staff member(s) and the receiving landfill in a manner deemed sufficient for DAPC staff to plan the visit.
7. The ACWM must be confined to a specific area, prepared by the landfill operator, at the disposal site to assure proper disposal with minimum complications.
8. The ACWM must be handled carefully and deliberately such that there will be no rupturing of containers nor visible emissions in the disposal process. When improperly packaged ACWM is observed by the landfill operator, both the DAPC and the DSWM must be notified so that independent investigations of the cause for improper packaging can be conducted at both the disposal site by the DSWM and at the point of removal by the DAPC.
9. The landfill operator will immediately apply one foot of non-ACWM over the ACWM and then compact the non-ACWM.
10. Upon closure, the site shall be recorded with the Register of Deeds as a former disposal site containing asbestos.

The DSWM will notify the DAPC upon receipt of closure so that the DAPC can update its internal document management system to flag this location as no longer being approved to accept ACWM for disposal purposes.


11. Specific area used for disposal of ACWM shall be noted on site plan.

Footnote

- ¹ The State of Tennessee has four (4) local regulatory areas that oversee Air Pollution Control requirements; their respective programs are granted authorization (or are authorized) by the State of Tennessee Division of Air Pollution Control (DAPC). Each local air pollution regulatory program is required to follow all applicable DAPC Rules. Rule numbers and form numbers may vary between local air pollution regulatory programs; therefore, if applicable, please use the appropriate local air pollution regulatory authority's form.


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Division of Air Pollution Control

May 6, 2014
Date


Patrick J. Flood, P.E., Director
Division of Solid Waste Management
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Previous: February 1993

MAY 5, 2016
Date